

City of Surrey
PLANNING & DEVELOPMENT REPORT

Application No.: 7921-0218-00

Planning Report Date: February 14, 2022

PROPOSAL:

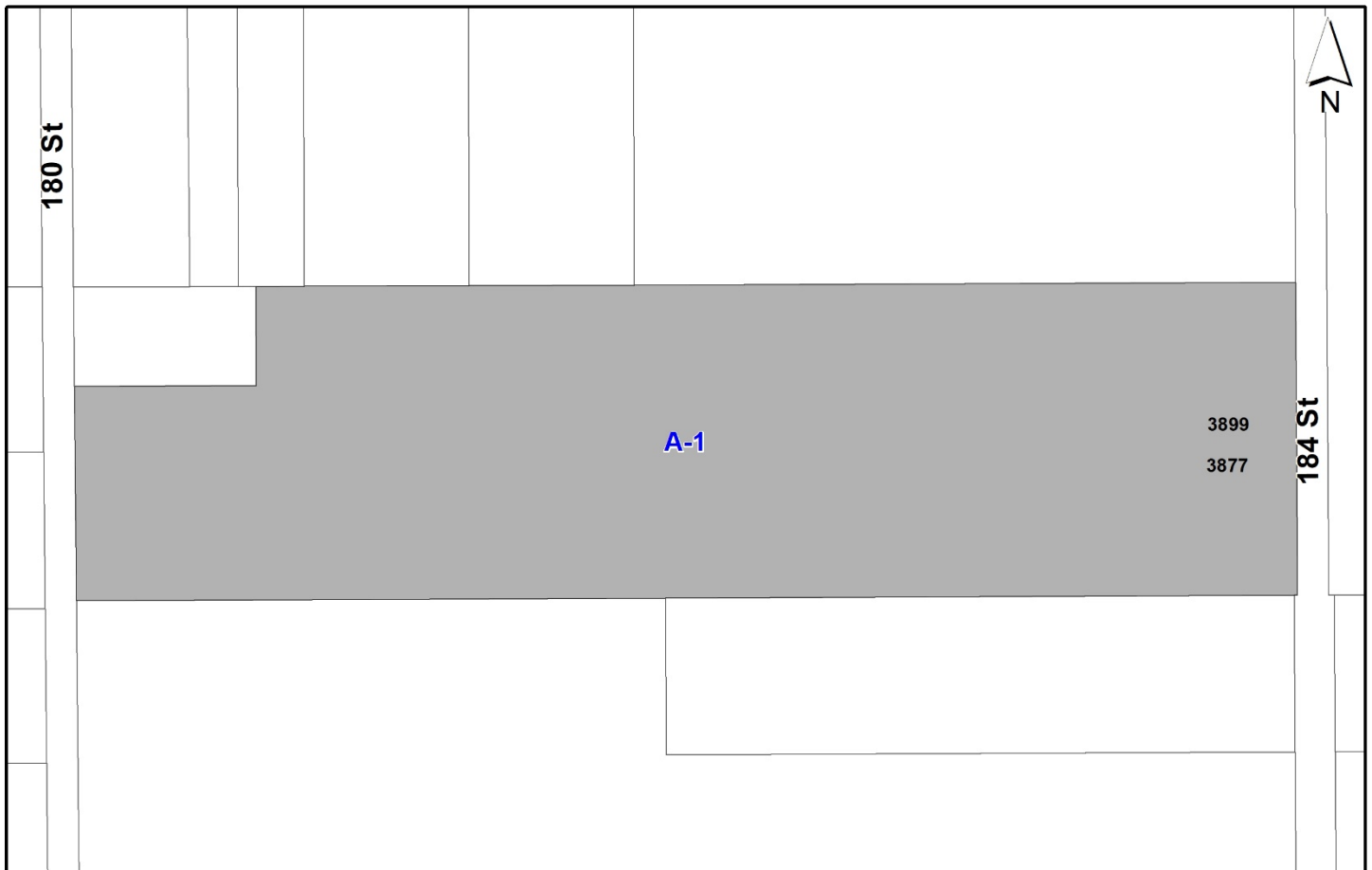
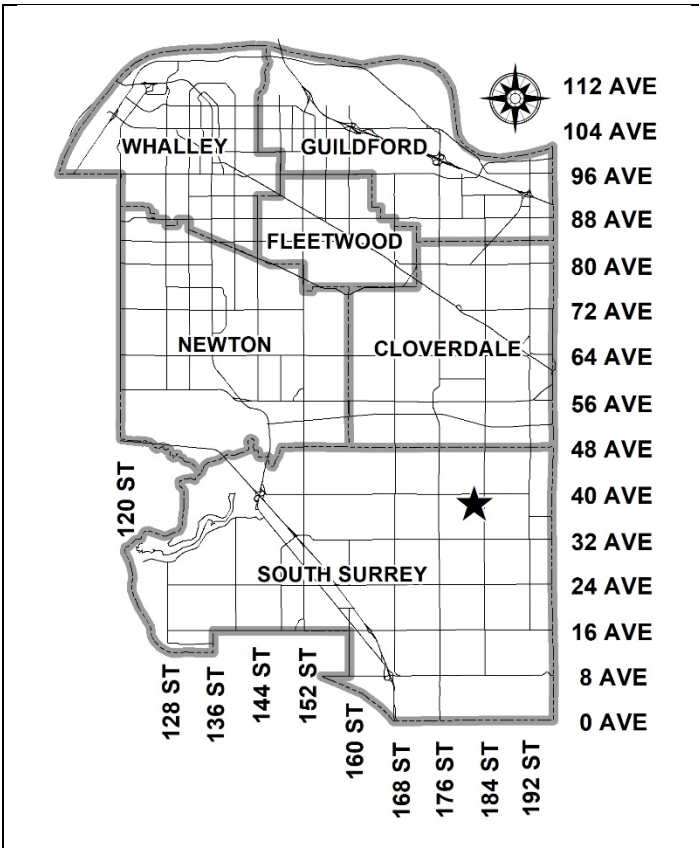
- **Development Permit**
- **Non-adhering residential use** under Section 20.1 of the *ALC Act*.
- **Placement of fill in the ALR** under Section 20.3(5) of the *ALC Act*.

to permit the development of a single family dwelling that exceeds 500 square metres in total floor area within the Agricultural Land Reserve, and to approve fill that has already been imported onto the site.

LOCATION: 3877 - 184 Street (3899 - 184 Street)

ZONING: A-1

OCP DESIGNATION: Agricultural



RECOMMENDATION SUMMARY

- Council authorize referral of the application to the Agricultural Land Commission (ALC) for consideration of approval.
- Approval to draft Development Permit for Sensitive Ecosystems.

DEVIATION FROM PLANS, POLICIES OR REGULATIONS

- Proposal to increase the maximum floor area of a principal residence allowed by the *Agricultural Land Commission Act (ALCA)*.
- Proposal to allow a portion of the existing, unpermitted fill to remain on the property, which is in excess of the maximum fill area allowed by the *Agricultural Land Reserve (ALR) Use Regulation*.

RATIONALE OF RECOMMENDATION

- Non-Adhering Residential Use:
 - The Province adopted legislation on February 22, 2019, which introduced a maximum on the floor area of principal dwellings to 500 square metres within the ALR. This legislation is intended to limit the physical and economic impacts of residential uses on agriculturally designated land.
 - The *ALCA* authorizes a property owner to apply for a non-adhering residential use under section 20.1(2)(a). The City has received a few development applications that propose to exceed the maximum floor area that is permitted for a principal dwelling within the ALR.
 - The applicants are applying under Section 20.1(2) of the *ALCA* to allow a principal residence with a total floor area that exceeds 500 square metres. The applicants are requesting an increase in floor area permitted under the *ALCA* from 500 square metres to 549.6 square metres. The applicants state that the increase in floor area will allow all members of the family to be able to live on-site to continue and expand the farm business operations.
 - The Agriculture, Environment and Investment Advisory Committee (AEIAC) recognize that the requested floor area increase is modest but question the long-term use of the proposed residential dwelling for inter-generational purposes as indicated by the applicants.
 - The proposed residential dwelling complies with the farm residential footprint regulation and other requirements of the "General Agriculture Zone (A-1)".
 - As the proposal complies with the A-1 Zone and the legislation is relatively new, Staff recommend that Council authorize the ALC application be forwarded to the ALC for consideration of approval.

- Placement of Fill in the ALR:
 - There is an active stop work order on the subject property due to unpermitted fill imported by previous owners.
 - To address the stop work order and remediate the site, the applicants have hired a professional agronomist to assess the current state of fill on the property and prepare a remediation plan for fill areas.
 - The applicants have also prepared a landscaping plan and landscaping cost estimate, attached to the Ecosystem Development Plan, in order to remediate historically disturbed streamside setback areas as part of the Sensitive Ecosystems Development Permit process.
 - The proposal complies with the farm residential footprint regulation of the A-1 Zone, which permits a maximum farm residential footprint of 2,000 square metres. The proposed total farm residential footprint is 1,999.2 square metres.
 - The remediation plan, prepared by McTavish Resource & Management Consultants Ltd. on December 17, 2021, indicates that there is approximately 848 cubic metres of fill currently on the northeast portion of the site and the extent of fill is approximately 1,628 square metres in area.
 - Section 35(a) of the ALR Use Regulation indicates that the total area from which soil is removed or on which fill is placed must be 1,000 square metres or less. The applicants are requesting approval from the ALC to allow excess fill on the subject property for residential purposes, from 1,000 square metres to 1,490.9 square metres.
 - The need for an excess fill application arose after the AEIAC meeting, which was attended on November 9, 2021. No comments have been provided by the AEIAC regarding the excess fill request.
 - Staff recommend that this request be forwarded to the ALC for consideration of approval in combination with the request for a non-adhering residential use, as advised upon by the ALC.

RECOMMENDATION

The Planning & Development Department recommends that:

1. Council authorize referral of the application to the Agricultural Land Commission for consideration of approval.
2. Council authorize staff to draft Development Permit No. 7921-0218-00 for Sensitive Ecosystems (Streamside Areas) generally in accordance with the finalized Ecosystem Development Plan.
3. Council instruct staff to resolve the following issues prior to final approval (should the non-adhering residential use and excess fill be approved by the ALC):
 - (a) submission of a finalized landscaping plan and landscaping cost estimate to the specifications and satisfaction of the Planning and Development Department;
 - (b) submission of a finalized Ecosystem Development Plan to the satisfaction of City staff;
 - (c) registration of a combined Statutory Right-of-Way / Section 219 Restrictive Covenant (SRW/RC) for the Class A/O watercourse along the west side of 184 Street and its streamside setbacks; and
 - (d) registration of an Environmental Restrictive Covenant (RC) for riparian protection along the north property line.

SITE CONTEXT & BACKGROUND

Direction	Existing Use	OCP Designation	Existing Zone
Subject Site	Agricultural (ALR)	Agricultural	A-1
North:	Agricultural (ALR)	Agricultural	A-1
East (Across 184 St):	Agricultural (ALR)	Agricultural	A-1
South:	Agricultural (ALR)	Agricultural	A-1
West (Across 180 St):	Agricultural (ALR)	Agricultural	A-1

Context & Background

- The subject site is located at civic address 3877 – 184 Street and is approximately 15 hectares in area.
- The property is designated "Agricultural" in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)", and located within the Agricultural Land Reserve (ALR).

- The subject site is currently classified as Residential (Class 1) and Farm (Class 2) under the BC Assessment Act.
- About 14.6 hectares of the 15 hectares subject property is currently in blueberry production with the remaining area not currently in agricultural production. The applicants may extend their farm operations to include vegetable greenhouses in the future once a new residential dwelling and farm building are constructed.
- There are currently two barns on the subject property used for storage of farm equipment and an older home. All existing residential and farm buildings will be demolished.
- There are Class A/O (red-coded) ditches on the subject property along the northern and eastern property lines. A Sensitive Ecosystems Development Permit must be issued prior to Building Permit issuance.
- The applicants are applying to construct a 549.6 square metre residential dwelling at 3877 – 184 Street. A new farm building is also proposed adjacent to the proposed house to store farm equipment for agricultural operations.
- The applicants are also requesting ALC approval to permit excess fill on the subject property for residential purposes.

DEVELOPMENT PROPOSAL

Planning Considerations

- A variety of blueberry crops are currently produced on-site, and the applicants intend to continue their blueberry operation, potentially extending farming operations to include vegetable greenhouses once construction of a new residential dwelling and farm building are complete.
- A portion of the property to the west is located within the flood plain, however the proposed residential dwelling is not located within the flood plain.
- The applicants are applying for a non-adhering residential use under section 20.1 of the *ALCA* to allow construction of a 549.6 square metre residential dwelling.
- The applicants are also requesting excess fill in the amount of 491 square metres to be permitted on the subject property for residential purposes. ALC Staff have advised that the request for excess fill can be added to the existing non-adhering residential use application for ALC consideration of approval.
- The proposed residential dwelling complies with the farm residential footprint regulation and other requirements of the A-1 Zone.

- Staff had expressed concern for the extent of the proposed driveway leading to the residential dwelling. In response, the applicants have advised staff that additional tree planting and landscaping will take place adjacent to the proposed residential dwelling and driveway. The additional tree planting and landscaping will be secured as part of the Building Permit application.
- The applicants are proposing a new farm road and farm building adjacent to the house to store farm equipment for their agricultural operations.
- The applicants have already been approved for a Notice of Intent (ALC File 63115) to place 268 m³ of fill on 0.13 hectares of the site for a proposed farm road on the subject property leading to the proposed farm building.
- The applicants will be required to apply to the City of Surrey for Soils Permits and Building Permits for the proposed residential building and farm building. A Demolition Permit will be required to remove existing farm and residential buildings. A Sensitive Ecosystems Development Permit must be issued prior to Building Permit issuance for the residential dwelling.

Referrals

Engineering:

The Engineering Department has no objection to the project at the Development Permit stage, subject to the completion of Engineering servicing requirements as outlined in Appendix II.

Agriculture, Environment, and Investment Advisory Committee (AEIAC):

At the November 9, 2021 meeting, AEIAC provided the following comments regarding the proposed Non-Adhering Residential Use:

The Committee noted that the requested variance is small and the proposal does not increase the farm Homeplate; however, the Committee noted that while the house will be intended for inter-generational family use, the younger generation will likely move out of the house in the future while the house will continue to take up valuable agricultural land.

Please note that the need for an excess fill application arose after the AEIAC meeting. No comments have been provided regarding the excess fill request.

POLICY & BY-LAW CONSIDERATIONS

Agricultural Land Commission Act and Regulations

- Section 20.1(1)(b) of the *ALCA* restricts the maximum total floor area of a principal residence to 500 square metres.

- Section 20.1(2)(a) of the *ALCA* authorizes a property owner to apply to the commission for a non-adhering residential use.
- Section 20.3(5) of the *ALCA* authorizes a property owner to apply to the commission for permission under Section 25 for a soil or fill use of agricultural land.
- Section 35(a) of the *ALR Use Regulation* restricts the total area from which soil is removed or on which fill is placed to 1,000 square metres or less for principal residences and 1,000 square metres or less for farm structures.
- The application submitted to the ALC indicates that a 549.6 square metre residential dwelling is proposed. The floor plans submitted to the City show that the proposed residential dwelling is 549.6 square metres in total floor area.
- The applicants are also requesting excess fill in the amount of 491 square metres, for a total of 1,490.9 square metres of fill for residential purposes.
- The Zoning By-law does not restrict the density of single family dwellings on agricultural zoned properties. As the proposal complies with City regulations and policy, Staff recommend that the Non-Adhering Residential Use application be forwarded to the ALC for consideration given the deviation from the *ALCA* and *ALR Use Regulation*.

Applicant's rationale

- The applicant provided the following rationale in support of their application:
 - The applicants' family has a history of farming. Vegetables, corns, rice, and wheat were grown on a 25 acre farm in India. In Canada, the applicants helped a family friend with their farming business prior to purchasing their own farmland in Surrey. Since the applicants purchased their own farm, they have successfully completed one year in business.
 - The applicants are currently farming blueberries on 14.6 hectares of the subject site. They will continue the blueberry operation and would like to extend the farming operations to include vegetable greenhouses after the construction of a new residential dwelling and farm building.
 - Blueberry farming is a traditional low-margin monocrop that will provide steady, stable income for the farm operations. Approximately 95% of the subject site is currently dedicated to blueberry farming. Three types of blueberry crops are currently being produced, including Duke, Bluecrop, and Elliot. In 2020, the applicants' farm production was approximately 250,000 to 300,000 pounds of blueberries.
 - The applicants state that the proposed dwelling will be used as a multi-generational dwelling. The applicant's children, mother, and mother-in-law will be living on the subject site. The applicants' extended family have assisted in the farming business over the past year and will continue to assist in the years ahead. The applicants would like all members of the family to be able to live on-site to continue and expand the farming business.

- The applicants have noted that they would not require an additional secondary dwelling if they are able to increase the total floor area of the principal residence.

Zoning By-law

- The "General Agriculture Zone (A-1)" does not include any restrictions on density or house size. Therefore, a rezoning application is not required in conjunction with the ALC application for non-adhering residential use.
- The A-1 Zone restricts the location and area of residential uses on agricultural properties through the farm residential footprint. The farm residential footprint is restricted to 2,000 square metres in area, the single family dwelling on a lot has a maximum setback of 50 metres from the front lot line and any accessory farm residential facility may not be located further than 60 metres from the front lot line.
- The proposal complies with the farm residential footprint regulation and other requirements of the A-1 Zone.

DEVELOPMENT PERMITS

Sensitive Ecosystems (Streamside Areas) Development Permit Requirement

- The property falls within the Sensitive Ecosystems (Streamside) Development Permit Area in the Official Community Plan (OCP). There are two Class A/O (red-coded) watercourses on site in close proximity to the proposed residential dwelling. The first identified nearby watercourse is a Class A/O ditch along 184 Street that collects runoff from adjacent agricultural land and ultimately drains into the Nicomekl River. The second nearby watercourse is a Class A/O agricultural ditch along the north property line, which collects overland runoff and drains west into the 184 Street ditch during snow melt and precipitation events.
- The Sensitive Ecosystems (Streamside) Development Permit is required to protect aquatic and terrestrial ecosystems associated with streams from the impacts of development.
- In accordance with Part 7A Riparian Protection of the Zoning By-law, a Class A/O (red-coded) ditch requires a minimum streamside setback of 10 metres, as measured from the top of bank. The proposal complies with the required streamside setbacks outlined in the Zoning By-law.
- To ensure functional yard space, an additional 3 metre setback has been provided along the north property line, exceeding the minimum streamside setback of 10 metres for a Class A/O (red-coded) ditch and in accordance with the Sensitive Ecosystems Development Permit Guidelines in the OCP.
- The Class A/O watercourse along the west side of 184 Street will be protected through the registration of a combined statutory right-of-way/restrictive covenant (SRW/RC) against the property to ensure safeguarding and maintenance of the Protection Area in perpetuity, in compliance with the OCP. The private Class A/O watercourse along the north property line will require an Environmental Restrictive Covenant (RC) for riparian protection.

- An Ecosystem Development Plan, prepared by Libor Michalak, *R.P. Bio.*, of Keystone Environmental, and dated February 4, 2022, was reviewed by staff, and found to be generally acceptable, with some modifications to content and format of the report still required. The finalized report and recommendations, including the landscaping plan and landscaping cost estimate, will be incorporated into the Development Permit.
- The EDP was peer reviewed on October 22, 2021, and found acceptable by Andrew Booth, *R.P.Bio.*, of Stickleback Environmental, with some modifications for content and format required prior to Final Approval should the subject application be supported. A RAPR assessment was submitted and approved by the province on May 13, 2021.

INFORMATION ATTACHED TO THIS REPORT

The following information is attached to this Report:

Appendix I.	Proposed Site Plan
Appendix II.	Engineering Summary
Appendix III.	AEIAC Minutes
Appendix IV.	Aerial Photo
Appendix V.	Rationale Letter from Applicant

approved by Shawn Low

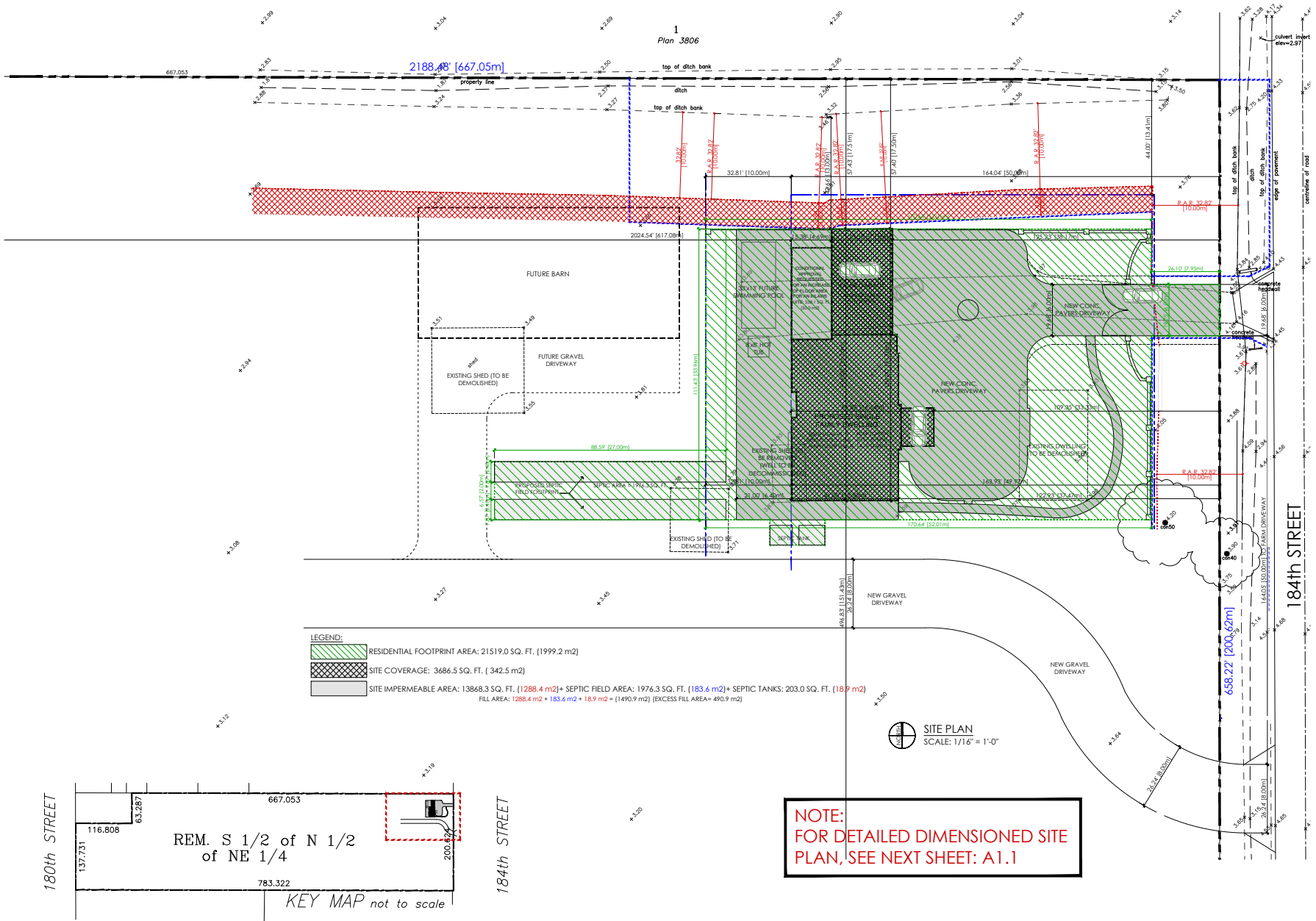
Ron Gill
Acting General Manager
Planning and Development

HD/cm

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NO.	DATE	ISSUANCE	BY
1	07 JULY 21	FOR PER	MM
2	27 SEP 21	FOOTPRINT REV	MM
3	22 JAN 22	FILL REV	MM



LEGEND:

- RESIDENTIAL FOOTPRINT AREA: 21519.0 SQ. FT. (1999.2 m²)
- SITE COVERAGE: 3686.5 SQ. FT. (342.5 m²)
- SITE IMPERMEABLE AREA: 13868.3 SQ. FT. (1288.4 m²) + SEPTIC FIELD AREA: 1976.3 SQ. FT. (183.6 m²) + SEPTIC TANKS: 203.0 SQ. FT. (18.9 m²)
- FILL AREA: 1288.4 m² + 183.6 m² + 18.9 m² = (1490.9 m²) (EXCESS FILL AREA= 490.9 m²)

SITE PLAN
SCALE: 1/16" = 1'-0"

VICTOR ERIC
15 EAST 3RD AVENUE
VANCOUVER, BC, V5T-1C5
T: 604.877.0821 F: 604.877.0178
www.victoreric.com

PROJECT:
3877 184th STREET,
SURREY, BC

HAYER RESIDENCE
DRAWING TITLE:
GENERAL SITE PLAN- 3/32" = 1'-0"

PROJECT NO.	
DRAWN BY:	MM
REVIEWED BY:	EL

Figure 1

INTER-OFFICE MEMO

TO: **Manager, Area Planning & Development
- South Surrey Division
Planning and Development Department**

FROM: **Development Services Manager, Engineering Department**

DATE: **December 24, 2021** PROJECT FILE: **7821-0218-00**

RE: **Engineering Requirements
Location: 3877 184 St**

DEVELOPMENT PERMIT/DEVELOPMENT VARIANCE PERMIT

The following issues are to be addressed as a condition of issuance of the Development Permit for the Sensitive Ecosystems for a single family dwelling:

- Provide a combined statutory right-of-way/restrictive covenant (SRW/RC) for the Class A/O watercourse along the west side of 184 Street and its streamside setbacks;
- Register an Environmental Restrictive Covenant for riparian protection along the north property line. This is a private watercourse where Engineering does not require a Combo RC/SRW at this time.

Applicant to coordinate with Engineering to administer the required legal documents.



Jeff Pang, P.Eng.
Development Services Manager

- Staff have created a draft transition document to help assist asset managers move towards integrated pest management, using as little rodenticide as possible. Staff will also review the costs associated with integrated pest management, as snap traps are more labor-intensive compared to rodenticide.
- The City's integrated pest management would only apply to municipal assets. Agricultural facilities are considered essential services and are therefore permitted to use second-generation anti-coagulants.

In response to a question from the Committee, Mr. Godwin advised that staff will report back to the Committee regarding the outcomes related to the rodenticide ban.

The Committee noted the importance of addressing the rodent population.

2. **Development Proposal 7920-0285-00**
John Koch-Schulte, Planning Technician
Address: 5580 164 Street
File No. 7920-0285-00

This item was withdrawn from the agenda.

3. **Development Proposal 7921-0218-00**
Hanna Demyk, Planning Technician
Address: 3877 184 Street

Hanna Demyk, Planning Technician, summarized the report dated November 1, 2021 regarding Development Proposal 7921-0218-00. The application proposes to construct a single family dwelling that exceeds 500 square metres in floor area, the maximum allowed under section 20.1 (1)(b) of the Agricultural Land Commission Act. The following information was highlighted:

- The site is currently designated "Agriculture" in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)", located within the Agricultural Land Reserve (ALR) and designated Residential Class 1 and Farm Class 2 under the BC Assessment Act. There are Class AO (red-coded) ditches in the property and the site is located outside of the 200-year floodplain.
- The site is approximately 15 hectares, with 14.6 hectares utilized for blueberry production. There is currently one home and two barns used for farm equipment on the site. The applicant is proposed to demolish the existing home and barns and construct one family home that will be 549.6 square metres in size and one farm building. The proposed home complies with farm Homeplate regulations.
- The applicants have a family history of farming and have successfully completed one year in business, producing approximately 250,000 – 300,000 pounds of blueberries. The applicants are proposing to continue blueberry production and may extend their operations to include vegetable greenhouses in the future. The proposed home will be a multi-generational dwelling, as extended family has helped with the farming operations in the past and is expected to continue helping in the future. The applicant has advised that if they are permitted to build the home to their size requirements, they would not seek a secondary dwelling for the site.

The Committee noted that the requested variance is small and the proposal does not increase the farm Homeplate; however, the Committee noted that while the house will be intended for inter-generational family use, the younger generation will likely move out of the house in the future while the house will continue to take up valuable agricultural land.

Later in the meeting, the Committee discussed the requirement that minor non-conforming floor area size applications be forwarded to the Committee for comment. The Committee requested a presentation regarding the number of small agricultural properties in Surrey, as well as who has the authority to review non-conforming ALR applications.

4. **Development Proposal 7921-0248-00**
Sarah Robertson, Planning Technician
Address: 13880 Colebrook Road

S. Rai declared a conflict of interest and left the meeting at 7:22 p.m.

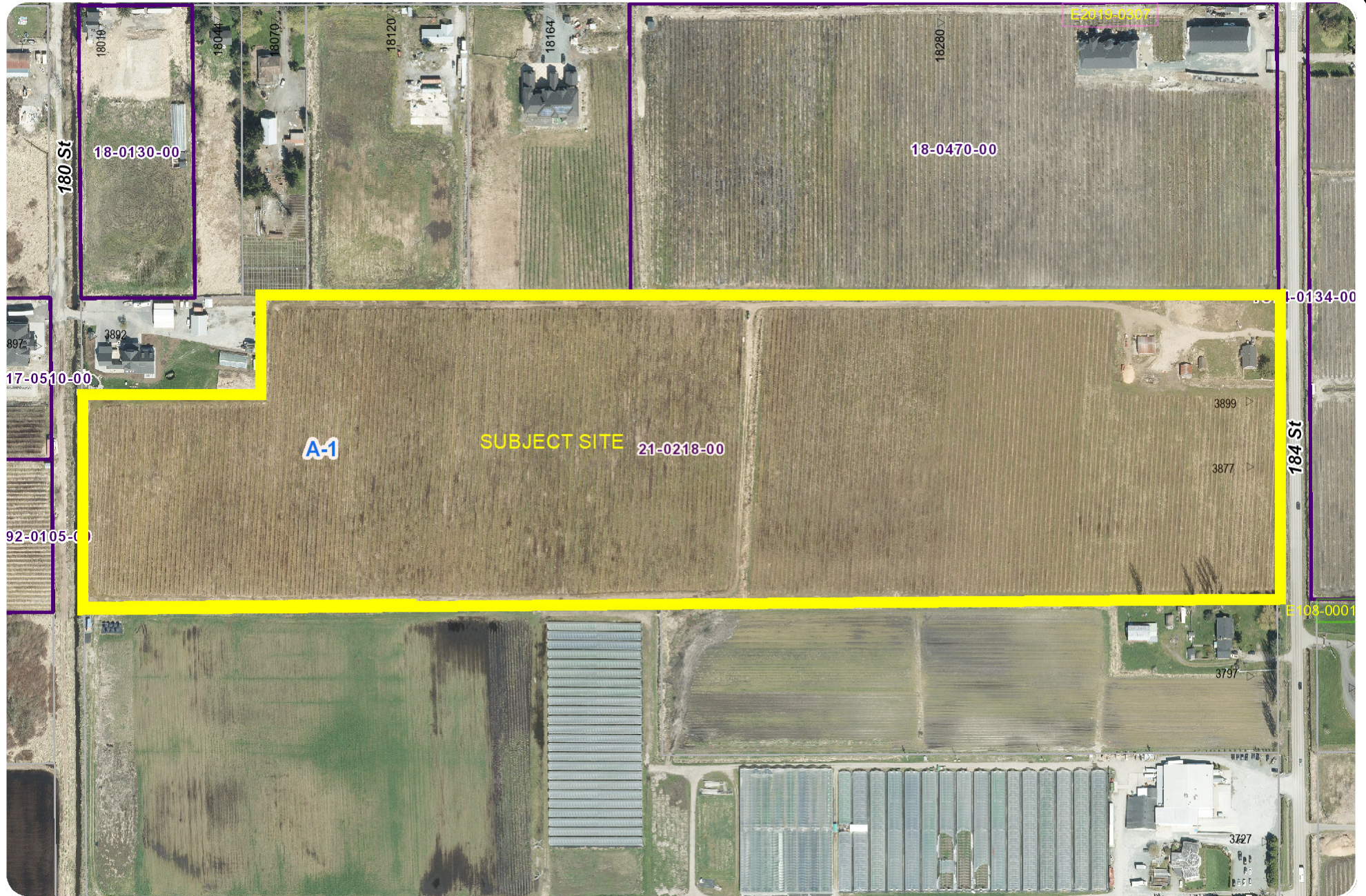
Sarah Robertson, Planning Technician, summarized the report dated November 2, 2021 regarding Development Proposal 7921-0248-00. The proposal includes a Development Variance Permit to increase the maximum front yard setback for a single-family dwelling and increase the farm residential footprint setback to allow a new single family dwelling to be constructed on the subject property. The following information was highlighted:

- The site is currently designated "Agriculture" in the Official Community Plan (OCP), zoned "General Agricultural Zone (A-1)" and located within the Agricultural Land Reserve (ALR).
- The applicant is proposing to construct a new single-family dwelling on a historically disturbed area of the property that has an existing barn and a previously demolished single-family home. The applicant is requesting to vary the maximum front-yard setback for the construction of the new single-family dwelling in order to reduce impacts on farming operations.

In response to questions from the Committee, Ms. Robertson provided the following information:

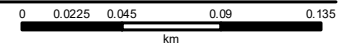
- The previous single-family home was demolished approximately 25 years ago.
- There is some fill currently onsite; however, fill requirements may be different depending on the design of the new house.

The Committee expressed support for the proposal, noting that it is reasonable to construct a new single-family home where the previous home was located.



Scale: 1:3,413

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Map created on: 2021-12-16

Hi dear,

We are requesting to have 50-meter increase in our house for an in-law suite. We have extended family and my in-laws have been living with us for over 20 years.

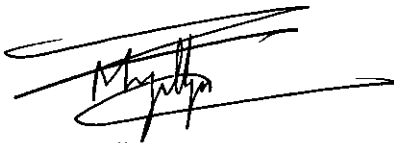
My father-in-law passed away in November 2020 and my mother-in-law cannot live own her own in separate building and wants her living portion to be attached to the house as she's 85 years old and needs our attention and support. My mother-in-law is having multiple health issue and she needs our help and support 24/7.

Our kids will be living with us in the same house and my mother as well. We will have a nanny in our house to take care of my mother and my mother-in-law.

We will not have a 2nd dwelling on the property as long as we get this 50-meter extra coverage for our extended family.

It's our humble request, please allow us 50-meter bigger house for an in-law suite.

Thank you,

A handwritten signature in black ink, appearing to read 'Manjit Hayer', is written over a horizontal line. The signature is stylized and cursive.

Manjit Hayer